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INTERNATIONAL CONVENTIONS RELATING TO THE TRAFFIC
IN ARMS AND AMMUNITION IN AFRICA

Description

An analysis of the scope and potential effectiveness
of international agreements concerning the regulation
of the traffic in arms and ammunition in Africa.

Washington

8 April 1946

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Summary

International conventions for the regulation of the international trade in arms and ammunition had their origin in the Brussels Act of 1890, which dealt with the problem of supervising the arms traffic in certain African regions with an aim to suppressing the slave trade. This act set forth certain general rules for the control of the arms traffic at the entrance of African areas, and declared the private trade of arms other than for purposes approved by the governments of the signatory states to be unlawful. Supervision of the arms traffic under the Brussels Act apparently produced satisfactory results throughout the geographical area covered by that document, except in Ethiopia.

The accumulation of large stores of surplus weapons after the first world war caused fear of dumping, particularly in Africa, which constituted a potential market for arms owing to the dearth on that continent of industrial facilities for their production. The Brussels Act was abrogated and replaced by a new convention, signed at Saint-Germain-en-Laye in 1919, which dealt with the regulation of the international private trade of arms. Virtually the entire African continent was declared part of a special land zone, over which local authorities were to exercise a more rigid control than in other parts of the world. Moreover, with a view to preventing contraband of arms in connection with the slave trade between Ethiopia and Arabia, the warships of the signatory powers were authorized to exercise control in the waters between Africa and Asia.

The Convention of Saint-Germain did not come into force, however, because the United States raised certain objections. Consequently an international conference was convened in 1925 at Geneva, which produced a new Convention mitigating the provisions of the Saint-Germain treaty. The scheme for a special regime of supervision in Africa was retained, but the area subject to that regime was reduced, following claims of exemption by sovereign African states. The Geneva Convention was accepted by the United States, but failed to come into force, since it did not obtain the required number of ratifications. Chief responsibility for the failure of the Geneva Convention to come into force may be imputed to the war preparations of the Axis Powers. At this time, the only international agreements that are in force in Africa are the Act of Algiers with regard to Morocco and the provisions of the League of Nations' Covenant relating to African mandates. Both, however, are limited in scope, since they only impose an obligation on local authorities to repress the illicit traffic of arms in those areas.

The accumulation of surplus weapons at the end of the current war will be likely to stress again the need for regulation of the international trade of war materials, for which Africa still constitutes a potential market. There appears to be no reason, however, for subjecting Africa to a special regime. The slave trade in Africa is no longer significant,

I. INTRODUCTION

Since the last two decades of the nineteenth century, when European interest in Africa reached a high point of intensity, several international conventions have been concluded with a view to regulating the arms traffic in that continent. The primary objective of the earlier agreements was to place the private trade of arms under government supervision in order to prevent African natives from entering into possession of modern implements of war. This undertaking was justified on the ground that firearms played a preponderant part in slave trade operations. Moreover, it was held that the unrestrained private trade of arms tended to promote inter-tribal warfare and rebellion. In more recent times, the problem of supervising the arms trade in Africa became part of a problem world-wide in scope, namely, the regulation of the international trade of arms and ammunition of war for the furtherance of universal peace. Nevertheless, because of their dependent status, most African territories have been regarded as requiring more stringent measures of supervision than the majority of countries in other parts of the world.

II. INTERNATIONAL CONVENTIONS RELATING TO THE TRAFFIC IN ARMS AND AMMUNITION IN AFRICA

A. The Act of Brussels

The first convention to deal with the regulation of the traffic in arms was the Act of Brussels, which emerged from an international conference held in 1890 for the suppression of the slave trade in certain African regions. Participation in the Conference included the powers exercising rights of sovereignty or protectorate in Africa, as well as a number of states, such as the United States of America, Austria, Persia, Sweden, and Russia, which had no territorial possessions in that continent. Hence the Brussels Act acquired the character of a general international convention rather than that of an agreement between a limited number of states involved in a specific issue. There appeared to have been several reasons for prompting Belgium, which had summoned the Conference following consultations with Great Britain, to extend the participation therein to states not directly concerned with African affairs. In the first place, the agenda of the Conference contained measures involving the modification of the regime of free trade and equal economic opportunity governing the Conventional Basin of the Congo under the Berlin Act of 1885, to which non-colonial powers had been parties. Secondly, it seemed desirable to give the sanction of international law to the principles and measures adopted at the Conference. Thirdly, the implementation of the Brussels Act was likely to achieve a greater measure of success by eliciting the cooperation of the largest possible number of states.

regions, and Arabia, caused great concern to the powers possessing territories bordering on Ethiopia.¹ In an attempt to remedy these conditions, the United Kingdom, France, and Italy signed on 13 December 1906 an Agreement at London, in which the Powers pledged to exercise strict control over arms entering Ethiopia from their adjacent possessions and to grant permission of transit only for arms imported by the Ethiopian Government or by tribal chiefs whose authority was recognized by the Powers.² According to British sources, the Agreement proved largely ineffective, owing to France's refusal to permit the search of small craft under French flag outside territorial waters.³ Except in Ethiopia, however, the provisions of the Brussels Act concerning the arms traffic in Africa appear, on the whole, to have produced satisfactory results.⁴

B. The Act of Algeciras

Rules for the regulation of the arms traffic were introduced in Morocco by the Act of Algeciras of 7 April 1906, which was signed by thirteen nations, including the United States. The clauses of this international agreement differed from those of the Brussels Act, inasmuch as they dealt primarily with the detection and repression of illicit traffic. These clauses are still in force, and responsibility for their enforcement currently rests with the local authorities.

C. International Conventions after World War I

The accumulation of huge stores of surplus weapons after the first world war caused apprehension among many nations that arms might be dumped in Africa and in certain parts of Asia. These areas, in fact, constituted potential markets for arms, inasmuch as they lacked industrial facilities for their production.⁵ At the same time, contraband of arms and slave trade operations were reported as continuing between Ethiopia and Arabia.⁶ It seemed highly desirable, therefore, to replace the Brussels Act with a more far-reaching international agreement. This was done at Saint-Germain-en-Laye on 10 September 1919.⁷

1. Ibid., pp. 235-236.

2. British and Foreign State Papers, vol. 99, pp. 252-253.

3. G. L. Beer, op.cit., p. 236. British and French jurists have disagreed for over a hundred years on the interpretation of the right of search on the high seas. Cf. the statement made by French delegate Clavier at the Geneva Conference of 1925. League of Nations, Proceedings of the Conference for the Supervision of the International Trade in Arms and Ammunition and in Implements of War (Geneva, 1925), p. 676.

4. G. L. Beer, op.cit., p. 231.

5. W. T. Stone, "International Traffic in Arms and Ammunition," Foreign Policy Reports, No. 9, 16 August 1933, pp. 130-140.

6. "Correspondence respecting Slavery in Abyssinia," Command Paper No. 1858 (1923).

7. The Act of Brussels was annulled by Article 13 of another convention signed at Saint-Germain on the same day, which dealt with the revision of the international economic regime governing the Conventional Basin of the Congo.

Twenty-three nations, including the United States, signed the Convention of Saint-Germain. Its provisions required the governments of the signatory states to control the exportation of arms and munitions of war and convey information on the arms trade to an International Office to be established under the auspices of the League of Nations. The essential measures of supervision of the Brussels Act were restated and amplified so as to embrace the entire African continent -- except Algeria, Libya, and the Union of South Africa -- as well as certain territories in Asia. Moreover, in order to prevent illicit traffic between Ethiopia and Arabia, a special regime of international control was to be established in a maritime zone covering the Red Sea, the Gulf of Aden, the Persian Gulf, and the Sea of Oman. Warships of the signatory powers were authorized in this zone to stop native vessels under 500 tons carrying contraband of arms and conduct them for trial to the nearest port belonging to the state which possessed jurisdiction over the native crafts. Furthermore, the Convention expressed the hitherto unusual principle of sanctions against offending states, which undoubtedly was borrowed from the League of Nations' Covenant of the same year. Accordingly, states which violated the provisions on traffic in arms in the land zones of special supervision could be denied transit rights.

Thus the Convention of Saint-Germain envisaged a system of supervision and publicity affecting the trade in arms and ammunition of the entire world. Clearly, its fundamental objective was to outlaw the uncontrolled private trade in arms and munitions of war. This appeared to be the result of a growing conviction throughout the world that the uncontrolled private trade in arms could seriously disturb international relations, for under such a system there was a tendency for arms traders to stimulate wars for the sake of private gain.¹

The Convention of Saint-Germain did not come into force, however, because the principal arms-producing powers refused to accept it in the absence of United States ratification. Pressed by the League of Nations for an explanation, the United States declared that it could not accept the Convention because, in the first place, this document would prohibit the export of arms to states not parties to the Convention; secondly, because it made no attempt to restrain inter-governmental traffic; and thirdly, because it was too closely tied up with the League of Nations.² In principle, however, the United States was not opposed to the regulation of the international trade of arms -- as clearly shown by the fact that it had ratified the Acts of Brussels and Algeciras -- and in 1925 it agreed to participate in a new international conference which was held at Geneva.

1. R. L. Buell, op. cit., p. 521.

2. Statement by Secretary of State C. E. Hughes, Foreign Relations (1923) Vol. 2, Special Supplement to No. 2 (1), (x).

The Geneva Conference produced a Convention which envisaged a less rigorous scheme than that framed at Saint-Germain. Greater emphasis was laid on publicity while the private trade of arms not suitable for warfare was declared to be lawful. The provisions for the establishment of special land and maritime zones of supervision were retained, but the Spanish possessions in North Africa, Egypt, Tunisia, Ethiopia, the Mandate of South-West Africa, and Liberia were excluded in addition to the territories listed in the Convention of Saint-Germain.¹ Moreover, the provisions for sanctions against offending states were omitted.

Article 41 of the Geneva Convention required the ratification by at least fourteen states for its enforcement. Submitted to the United States Senate on 12 January 1926, the Convention was ratified on 6 June 1935 under reservation that it would not come into force as to the United States prior to its acceptance by Belgium, the British Empire, Czechoslovakia, France, Germany, Italy, Japan, Sweden, and the USSR. To date the Convention has not come into force, since only nine states have ratified it.²

Thus the only international agreements for the supervision of the arms trade in Africa that are still in force are the Act of Algiers and the provisions for 8 Mandates of the Covenant of the League of Nations. Both, however, are limited in a geographical sense as well as in scope. The Covenant's provisions apply to the French Mandates of the Cameroons and Togoland, the British Mandates of the Cameroons, Togoland, and Tanganyika, and the Belgian Mandate of Ruanda-Urundi. These provisions require the mandatory powers to exercise strict control over the arms traffic in the mandated areas and entrust the League of Nations with the supervision thereof.³ The Covenant failed to specify, however, the manner in which the League was to carry out such supervision.

D. Possibility of Dumping of Arms in the Post War Period

The reasons for the failure of the Geneva Convention to come into force may properly be sought in the unsettled conditions of the world during the period between the two world wars, and there can be little doubt that the Axis Powers' preparations for war constituted the chief handicap. The end of the current war is likely to produce an exceedingly large accumulation of surplus weapons and thus pose afresh the problem of preventing dumping practices. The African continent and

1. Liberia was not specifically mentioned in the Convention, but admitted with the reservation that it would be treated on a footing of equality with Ethiopia. Cf. the letter from the Liberian Government regarding its adhesion to the Convention, League of Nations, op cit., pp. 722-723.
2. Latvia, Canada, Bulgaria, Spain, Egypt, Poland, the Netherlands, Venezuela, and China. The British Empire, Denmark, France, and Sweden have ratified with reservations. G. H. Hackworth, Digest of International Law (Washington, 1941), Vol. II, p. 672.
3. Articles 22 and 23 of the Covenant.

dependent areas in other parts of the world still are potential markets for arms. Regulation of the international trade in arms and ammunition may therefore seem to be no less desirable after this war than it has been hitherto. The scheme for "special" supervision in Africa, over which there has been so much insistence in the past, may, however, appear superfluous. For the problem of the slave trade in Africa has lost its past significance, and as to the necessity of repressing the contraband of arms designed to promote inter-tribal strife and rebellion it may be safely assumed that the authorities of the states possessing rights of sovereignty, protectorate, or mandate over African territories will exercise strict control at the points of entrance to those areas. It seems doubtful that international agreements for the establishment of special zones of supervision would strengthen the control which is exercised nationally, since the responsibility for carrying out these agreements would probably rest with local authorities in any event. While the establishment of special zones of supervision appears to be therefore unnecessary, the control of the arms traffic could nevertheless be greatly enhanced by international conventions, in Africa and elsewhere, if these conventions were to provide for supervision of the arms trade at its source.

Art. 22. The fraudulent sale, the receiving and peddling, of merchandise prohibited by the present regulations shall be punished according to the penalties specified in Article 20.

Art. 23. The accomplices in the offenses set forth in articles 20, 21, and 22 shall be liable to the same penalties as the principals. The elements determining complicity shall be adjudged according to the laws of the country in charge of the case.

Art. 24. When there is good reason to suppose that a vessel anchored in a port open to commerce carries guns, ammunition, or other prohibited merchandise with a view to introducing the same into Morocco, the officers of the Sherrefian customs shall so inform the competent consular authority, in order that the latter may carry out, in company with a delegate of the Sherrefian customs, such investigations, verifications or searches as may be adjudged necessary.

Art. 25. In the case of the introduction or the attempted introduction by sea of prohibited merchandise outside of a port open to commerce, the Moorish customs authorities may bring the vessel to the nearest port, to be turned over to the Consular authority, who shall have the right to seize it and continue such seizure until payment of the fines decreed. The vessel may, however, be released at any period of the trial, provided that the judicial proceedings shall not be impeded thereby, on the deposit made with the consular authority of the maximum of the fine, or else under responsible bail accepted by the customs.

Art. 26. The Maghzen may retain the confiscated merchandise either for its own use, if able to utilize it, on condition that the subjects of the Empire shall not be able to get possession of it, or it shall dispose of it abroad.

The conveyances of the same on shore may be confiscated and shall be sold for the profit of the Sherrefian Treasury.

Art. 27. The sale of arms condemned by the Moorish Government shall be prohibited throughout the Sherrefian Empire.

Art. 28. Rewards taken out of the amount of the fines levied are to be given to the informants who have been instrumental in discovering forbidden merchandise and to the agents who have effected its seizure. Such rewards shall be assigned after deducting, if necessary, the costs of the trial, one-third to be distributed by the customs among the informants, one-third to the officers who seized the merchandise, and one-third to the Moroccan Treasury.

If the seizure has been effected without the intervention of an informant one-half of the fines shall go to the officer making the seizure and the other half to the Sherrefian Treasury.



Art. 29. The Moorish customs authorities shall notify directly the diplomatic or consular agents of any violations of this regulation, committed by those under their jurisdiction, in order that the same may be prosecuted before the proper jurisdiction.

Similar violations committed by Moorish subjects shall be submitted directly by the customs to the Sherrefian authority.

A delegate of the customs shall be assigned to follow the procedure of cases pending before the different jurisdictions.

Art. 30. In the region bordering on Algeria, the enforcement of the regulations on the contrband of arms shall be the exclusive concern of France and Morocco.

Similarly, the enforcement of the regulation on the contraband of arms in the Riff and in general in the regions bordering on the Spanish possessions shall be the exclusive concern of Spain and Morocco.

Chapter III.

Supervision on Land

Article 7.

Arms and ammunition imported under special licence into the prohibited areas shall be admitted only at ports designated for this purpose by the Authorities of the State, Colony, Protectorate or territory under mandate concerned.

Such arms and ammunition must be deposited by the importer at his own risk and expense in a public warehouse under the exclusive custody and permanent control of the Authority and of its agents, of whom one at least must be a civil official or a military officer. No arms or ammunition shall be deposited or withdrawn without the previous authorization of the administration of the State, Colony, Protectorate or territory under mandate, unless the arms and ammunition to be deposited or withdrawn are intended for the forces of the Government or the defence of the national territory.

The withdrawal of arms or ammunition deposited in these warehouses shall be authorised only in the following cases:

(1) For despatch to places designated by the Government where the inhabitants are allowed to possess arms, under the control and responsibility of the local Authorities, for the purpose of defence against robbers or rebels.

(2) For despatch to places designated by the Government as warehouses and placed under the supervision and responsibility of the local Authorities.

(3) For individuals who can show that they require them for their legitimate personal use.

Article 8.

In the prohibited areas specified in Article 6, trade in arms and ammunition shall be placed under the control of officials of the Government and shall be subject to the following regulations:

(1) No person may keep a warehouse for arms or ammunition without a license.

(2) Any person licensed to keep a warehouse for arms or ammunition must reserve for that special purpose enclosed premises having only one entry, provided with two locks, one of which can be opened only by the officers of the Government.

The person in charge of a warehouse shall be responsible for all arms or ammunition deposited therein and must account for them on demand. For this purpose all deposits or withdrawals shall be entered in a special register, numbered and initialled. Each entry shall be supported by references to the official documents authorising such deposits or withdrawals.

(3) No transport of arms or ammunition shall take place without a special licence.

(4) No withdrawal from a private warehouse shall take place except under licence issued by the local Authority on an application stating the purpose for which the arms or ammunition are required, and supported by a licence to carry arms or by a special permit for the purchase of ammunition. Every arm shall be registered and stamped; the Authority in charge of the control shall enter on the licence to carry arms the mark stamped on the weapon.

(5) No one shall without authority transfer to another person either by gift or for any consideration any weapon or ammunition which he is licensed to possess.

Article 9.

In the prohibited areas and zone specified in Article 6, the manufacture and assembling of arms or ammunition shall be prohibited, except at arsenals established by the local Government, or, in the case of countries placed under tutelage, at arsenals established by the local Government, under the control of the mandatory Power, for the defence of its territory or for the maintenance of public order.

No arms shall be repaired except at arsenals or establishments licensed by the local Government for this purpose. No such licence shall be granted without guarantees for the observance of the rules of the present Convention.

Article 10.

Within the prohibited areas specified in Article 6, a State which is compelled to utilise the territory of a contiguous State for the importation of arms or ammunition, whether complete or in parts, or of material or of articles intended for armament, shall be authorised on request to have them transported across the territory of such State.

It shall, however, when making any such request, furnish guarantees that the said articles are required for the needs of its own Government, and will at no time be sold, transferred, or delivered for private use nor used in any way contrary to the interests of the High Contracting Parties.

Any violation of these conditions shall be formally established in the following manner:

(a) If the importing State is a sovereign independent Power, the proof of the violation shall be advanced by one or more of the Representatives accredited to it of contiguous States among the High Contracting Parties. After the Representatives of the other contiguous States have, if necessary, been informed, a joint enquiry into the facts by all these Representatives will be opened, and if need be, the importing State will be called upon to furnish explanations. If the gravity of the case should so require, and if the explanations of the importing State are considered unsatisfactory, the Representatives will jointly notify the

State, Colony, Protectorate or territory under mandate, where warehouses are situated.

No cargos of arms or ammunition shall be shipped on the vessels specified in the preceding paragraph without a special licence from the territorial authority, and all arms or ammunition so shipped shall be subject to the provisions of the present Convention.

This licence shall contain all details necessary to establish the nature and quantity of the items of the shipment, the vessel on which the shipment is to be loaded, the name of the ultimate consignee, and the ports of loading and discharge. It shall also be specified thereon that the licence has been issued in conformity with the regulations of the present Convention.

The above regulations do not apply:

(1) To arms or ammunition conveyed on behalf of the Government, provided that they are accompanied by a duly qualified official.

(2) To arms or ammunition in the possession of persons provided with a licence to carry arms, provided such arms are for the personal use of the bearer and are accurately described on his licence.

Article 13.

To prevent all illicit conveyance of arms or ammunition within the zone of maritime supervision specified in Article 6 (3), native vessels of less than 500 tons burden not exclusively engaged in the coasting trade between different ports of the same State, Colony, Protectorate or territory under mandate, not going more than five miles from the shore, and proceeding to or from any point within the said zone, must carry a manifest of their cargo or similar document specifying the quantities and nature of the goods on board, their origin and destination. This document shall remain covered by the secrecy to which it is entitled by the law of the State to which the vessel belongs, and must not be examined during the proceedings for the verification of the flag unless the interested party consents thereto.

The provisions as to the above-mentioned documents shall not apply to vessels only partially decked, having a maximum crew of ten men, and exclusively employed in fishing within territorial waters.

Article 14.

Authority to fly the flag of one of the High Contracting Parties within the zone of maritime supervision specified in Article 6 (3) shall be granted only to such native vessels as satisfy all the three following conditions:

1. The owners must be nationals of the Power whose flag they claim to fly.

2. They must furnish proof that they possess real estate in the district of the authority to which their application is addressed, or must supply a solvent security as a guarantee for any fines to which they may become liable.

3. Such owners, as well as the captain of the vessel, must furnish proof that they enjoy a good reputation, and especially that they have never^{been} convicted of illicit conveyance of the articles referred to in the present Convention.

The authorisation must be renewed every year. It shall contain the indications necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number, and signal letters. It shall bear the date on which it was granted and the status of the official who granted it.

The name of the native vessel and the amount of her tonnage shall be incised and painted in Latin characters on the stern, and the initial letters of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be painted in black on the sails.

Article 15.

Native vessels to which, under the provisions of the last paragraph of Article 13, the regulations relating to the manifest of the cargo are not applicable, shall receive from the territorial or consular authorities, as the case may be, a special licence, renewable annually and revocable under the conditions provided for in Article 19.

Article 16.

The High Contracting Parties agree to apply the following rules in the maritime zone specified in Article 6 (3): --

1. When a warship belonging to one of the High Contracting Parties encounters outside territorial waters a native vessel of less than 500 tons burden flying the flag of one of the High Contracting Parties, and the commander of the warship has good reason to believe that the native vessel is flying this flag without being entitled to do so, for the purpose of the illicit conveyance of arms or ammunition, he may proceed to verify the nationality of the vessel by examining the document authorising the flying of the flag, but no other papers.

2. With this object, a boat commanded by a commissioned officer in uniform may be sent to visit the suspected vessel after she has been hailed to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation; before leaving the vessel the officer shall draw up a proces-verbal in the form and language in use in his own country. This proces-verbal shall state the facts of the case and shall be dated and signed by the officer.

Should there be on board the warship no commissioned officer other than the commanding officer, the above-prescribed operations may be carried out by the warrant, petty, or non-commissioned officer highest in rank.

The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the proces-verbal, and shall have the right to add to it any explanations which they may consider expedient.

The ratifications will remain deposited in the archives of the French Government.

The present Convention shall come into force for each signatory Power from the date of the deposit of its ratification, and from that moment that Power will be bound in respect of other Powers which have already deposited their ratifications.

On the coming into force of the present Convention, the French Government will transmit a certified copy to the Powers which under the Treaty of Peace have undertaken to accept and observe it, and are in consequence placed in the same position as the Contracting Parties. The names of these Powers will be notified to the States which accede.

In faith whereof the above-named Plenipotentiaries have signed the said Convention.

Done at Paris, the tenth day of September, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the Government of the French Republic, and of which authentic copies will be sent to each of the Signatory Powers.

APPENDIX IV

Convention for the Supervision of the International Trade
in Arms and Ammunition and in Implements of War

Germany, the United States of America, Austria, Belgium, Brazil,
the British Empire, Canada, the Irish Free State and India, Bulgaria,
China, Czechoslovakia, Denmark, Egypt, Spain, Estonia, Abyssinia,
Finland, France, Greece, Hungary, Italy, Japan, Latvia, Lithuania,
Luxembourg, Netherlands, Norway, Panama, the Netherlands, Persia, Poland,
Portugal, Rumania, Salvador, Siam, Sweden, Switzerland, the Kingdom
of the Serbs, Croats and Slovenes, Czechoslovakia, Turkey, Uruguay and
Venezuela.

Whereas the international trade in arms and ammunition and in imple-
ments of war should be subject to a general and effective system of super-
vision and control;

Whereas such a system is not provided by existing Treaties and
Conventions;

Whereas in relation to certain areas of the world a special super-
vision of this trade is necessary in order to render more effective the
measures adopted by the various Governments as regards both the import
and export of arms and ammunition and implements of war into these areas and
the transit of such arms and ammunition and implements of war through these
areas;

Whereas the export of arms, ammunition or implements
of war which is prohibited by international law, must not be
permitted for any purpose;

Have decided to conclude a Convention and have accordingly appointed
their plenipotentiaries (signed);

Have agreed to have their plenipotentiaries sign the Convention and to have
it ratified, approved or accepted;

Chapter I

General

Article 1

The objects of the present Convention, the categories of arms,
ammunition and implements of war are defined as follows:

Category I.

Arms, ammunition and implements of war exclusively designed
and intended for land or aerial warfare.

Arms, ammunition and implements of war exclusively designed and
intended for land or aerial warfare, which are not included in the
category of the present Convention, are excluded from the scope of the
Convention.

are no longer comprised in such armament, are capable of military or the
production of any other use, except such arms, ammunition and implements
which, though included in the above definition, are covered by other
categories.

Such arms, ammunition and implements are comprised in the following
category headings:

1. Pistols, revolvers, carbines.
2. (a) Machine-guns, automatic rifles and machine-pistols of all calibres;
(b) Mountings for machine-guns;
(c) Interrupter gears.
3. (a) Cartridges and ammunition for the arms enumerated in Nos. 1 and 2
above.
4. (a) Signalling apparatus including aerial gun-sights and boat-sights,
and time-signal apparatus.
5. (a) Bombs, long or short, and howitzers, of a calibre less than
2 1/2 inches (63.5 mm);
(b) Bombs, long or short, and howitzers, of a calibre of 2 1/2 inches
(63.5 mm) or above;
(c) Mortars of all kinds;
(d) Gun carriages, mountings, recuperators accessories for mounting.
6. Projectiles and ammunition for the arms enumerated in No. 5 above.
7. Apparatus for the discharge of bombs, torpedoes, depth charges and
other kinds of projectiles.
8. (a) Mines;
(b) Boats;
(c) Land mines, submarine mines fixed or floating, depth charges;
(d) Torpedoes.
9. Mountings for and accessories for the arms and apparatus
enumerated in Nos. 1 to 8 above.
10. Tanks and armoured cars.
11. Arms and ammunition not specified in the above enumeration.

12. Components, parts, completely finished, of the articles enumerated
in Nos. 1 to 11 above, if used in or being utilized only in the assembly or repair
of the arms and apparatus, or as spare parts.

Category II.

Arms and ammunition capable of use both for military
and other purposes.

1. (a) Pistols and revolvers, automatic or semi-automatic, and developments
of the same, designed for single-handed use or fired from the
shoulder, of a calibre greater than 6.5 mm, and length of barrel
greater than 10 cm.
2. (a) Fire-arms designed, intended or adapted for non-military purposes,
such as sport or personal defence, that will fire cartridges that
can be fired from one arm in Category I, other than the
revolver, of a calibre of 6.5 mm or above, and
(b) Fire-arms designed, intended or adapted for military purposes, which
are not included in Category I, with the exception of pistol-calibre
revolvers.

Complete parts, completely finished, of the articles covered by the license, or being utilized only in the assembly or repair of the machine, or as spare parts.

Frontiers of War and their Agreement

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2. Aircraft, Licensed or Disputed
Aircraft engine.

ammunition and explosives, except black gunpowder, and all accessories other than those covered by Category I and II, such as pistols and revolvers of all models, rifled weapons and a "tommy gun" style, other rifled firearms of a caliber not less than .300, machine gun firing from the shoulder, machine gun submachine gun with more than one barrel of which at least one barrel is capable of being fired, firearms firing automatic, semiautomatic, or gas.

Supervision and Publicity

Article 3.

Nevertheless, export for supply to private persons may be permitted in the following cases:

1. Articles covered by Category I exported direct to a manufacturer of war material for use by him for the requirements of his industry, provided their import has been duly authorised by the Government of the importing country;
2. Rifles, muskets and carbines and their ammunition exported for supply to rifle associations formed for the encouragement of individual sport and duly authorised by their own Government to use them, the import of which is not contrary to any other provisions of the present Convention. Such arms and ammunition shall be sent direct to the Government of the importing country for transmission by such Government to the associations for which they are supplied.
3. Samples of articles covered by Category I exported for demonstration purposes direct to a trade representative of the exporting manufacturer, such representative being duly authorised by the Government of the importing country to receive them.

In the above-mentioned cases, an order in writing, endorsed by the Government of the importing country or by its representative duly authorised so to act, must have been presented to the authorities of the exporting country. It shall contain all the information necessary to show that the order is properly made under this Article.

Article 4.

Permission to export under Articles 2 and 3 shall be signified by a licence. An export declaration, if filed with and approved by the competent authorities of the exporting country, may take the place of a licence.

Such licence or declaration must contain:

- (a) A description sufficient for the identification of the articles to which it relates, and giving their designation according to the headings in Category I, and their number or weight;
- (b) The name and address of the export;
- (c) The name and address of the importing consignee;
- (d) The name of the Government which has authorised the import.

Each separate consignment which crosses the frontier of the exporting country, whether by land, water or air, shall be accompanied by a document containing the particulars indicated above. This document may be either the licence or export declaration or a certified copy thereof or a certificate issued by the Customs authorities of the exporting country, stating that the consignment is exported under licence or export declaration in accordance with the provisions of the present Convention.

Article 5.

The articles covered by Category II shall only be exported under cover of an export document, which may be either a licence issued by the competent authorities of the exporting country or an export declaration endorsed by or

filed with them. If the legislation of the importing country requires the endorsement of a duly authorised representative of its Government, and if this fact has been notified by the said Government to the Government of the exporting country, then such an endorsement must have been obtained and submitted to the competent authorities of the exporting country before the export may take place.

Neither the licence nor the export declaration shall entail any responsibility upon the Government of the exporting country as to the destination or ultimate use of any consignment.

Nevertheless, if the High Contracting Parties consider, on account of the size, destination or other circumstances of a consignment, that the arms and ammunition consigned are intended for war purposes, they undertake to apply to such consignment the provisions of Articles 2, 3 and 4.

Article 6.

As a preliminary to a general system of publicity for armaments irrespective of their origin, the High Contracting Parties undertake to publish, within two months of the close of each quarter, a statistical return of their foreign trade during this quarter in the articles covered by Categories I and II. This return shall be drawn up in accordance with the specimen forms contained in Annex I to the present Convention and shall show under each heading appearing in Categories I and II in Article 1 the value and the weight or number of the articles exported or imported under a licence or export declaration, allocated according to country of origin or destination.

In all cases where the consignment comes from, or is sent to, a territory possessing an autonomous Customs system, such territory shall be shown as the country of origin or destination.

The High Contracting Parties further undertake, so far as each may be concerned, to publish within the same time-limits a return containing the same information in respect of the consignments of articles covered by Categories I and II to other territories placed under their sovereignty, jurisdiction, protection or tutelage, or under the same sovereignty, jurisdiction, protection or tutelage.

The first statistical return to be published by each of the High Contracting Parties shall be for the quarter beginning on the first day of January, April, July or October, subsequent to the date on which the present Convention comes into force with regard to the High Contracting Party concerned.

The High Contracting Parties undertake to publish as an annex to the above-mentioned return the text of the provisions of all statutes, orders or regulations in force within their territory dealing with the export and import of articles covered by Article 1, and to include therein all provisions enacted for the purpose of carrying out the present Convention. Amendments and additions to these provisions shall be likewise published in annexes to subsequent quarterly returns.

Article 7.

The High Contracting Parties, in all cases covered by Category III, undertake to publish within two months of the close of each quarter a return for that quarter, giving the information detailed below for each vessel of war constructed, in course of construction or to be constructed within their territorial jurisdiction on behalf of the Government of another State:

- (a) The date of the signing of the contract for the construction of the vessel, the name of the Government for which the vessel is ordered, together with the following data:
 - Standard displacement in tons and metric tons;
 - The principal dimensions, namely: length at water-line, extreme beam at or below water-line, mean draft at standard displacement;
- (b) The date of laying the keel, the name of the Government for which the vessel is being constructed, together with the following data:
 - Standard displacement in tons and metric tons;
 - The principal dimensions, namely: length at water-line, extreme beam at or below water-line, mean draft at standard displacement;
- (c) The date of delivery, the name of the Government to which the vessel is delivered, together with the following data with respect to the vessel at that date:
 - Standard displacement in tons and metric tons;
 - The principal dimensions, namely: length at water-line, extreme beam at or below water-line, mean draft at standard displacement;As well as the following information regarding the armament installed on board the vessel at the date of delivery and forming part of the vessel's normal armament:
 - Number and calibre of guns;
 - Number and calibre of torpedo-tubes;
 - Number of bomb-throwers;
 - Number of machine-guns.

The above information concerning the armament of the vessel shall be furnished by means of a statement signed by the shipbuilder and countersigned by the commanding officer or such other representative fully authorised for the purpose by the Government of the State to whom the vessel is delivered. Such statement shall be transmitted to the competent authority of the Government of the constructing country.

Whenever a vessel of war belonging to one of the High Contracting Parties is transferred, whether by gift, sale or other mode of transfer, to the Government of another State, the transferor undertakes to publish within two months of the close of the quarter within which the transfer is effected the following information:

The date of transfer, the name of the Government to whom the vessel has been transferred and the data and information referred to in paragraph (c) above.

By the standard displacement in the present Article is to be understood the displacement of the vessel complete, fully manned, equipped and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and appliances of every description that are intended to be carried in war, but without fuel or reserve feed-water on board.

Article 8

Without prejudice to the provisions of Article 7, if the transport of any vessel of war is carried out otherwise than by such vessel's own motive power or towage, the vessel, whether assembled or in component parts, and the armament thereof will become subject also to the provisions of this Convention as if they were included in Category 1.

Article 9

The High Contracting Parties undertake to publish, within six months of the close of each quarter, a return for that quarter of the export of aircraft and aircraft engines, giving quantities exported and their allocation according to country of destination.

Article 10

Subject to the provisions of Chapter III, the articles covered by categories IV and V may be exported without formalities or restrictions.

Article 11

The High Contracting Parties undertake not to apply a more favourable regime to imports of articles referred to in Article 1 coming from territories of non-contracting States than that which they will apply to such imports coming from territories of contracting States, and to subject these imports, of whatever origin, to the same conditions of authorisation and, so far as possible, of publicity.

CHAPTER III

Special Zones

Article 12

The High Contracting Parties agree that the provisions of this Chapter apply to the territorial and maritime zones hereinafter defined and referred to in the present Convention as the "special zones".

1. Land zone.

- (a) The whole of the continent of Africa, with the exception of Egypt, Libya, Tunisia, Algeria, the Spanish possessions in North Africa, Abyssinia, and of the Union of South Africa together with the territory under its mandate and of Southern Namibia.

This zone also includes the adjacent islands which are situated within 100 marine miles from the coast thereof and also Prince's Island (Principe) in the Bight of Biafra, St. Thomas (Sao Thome), Annobon and Socotra, but does not include the Spanish islands situated to the north of the parallel of 26° North latitude.

(b) The Arabian peninsula, Gwadar, Syria and Lebanon, Palestine and Transjordan, and Iraq.

2. Maritime zone.

A maritime zone which includes the Red Sea, the Gulf of Aden, the Persian Gulf and the Gulf of Oman and is bounded by a line drawn from and following the latitude of Cape Guardafui to the point of intersection with longitude 57° East of Greenwich and proceeding thence direct to the point at which the eastern frontier of Gwadar meets the sea.

Article 13.

The High Contracting Parties undertake not to export or to permit articles covered by Categories I, II, IV and V to be exported to places within the special zones, unless a licence has been issued in conformity with the conditions defined in Article 14.

An export declaration, if filed with and approved by the competent authorities of the exporting country, may take the place of a licence.

The High Contracting Parties also undertake, each in respect of any territory under its sovereignty, jurisdiction, protection or tutelage situated within the special zones, not to permit articles covered by the categories above mentioned to be imported into such territory unless their import has been authorised by the authorities of the territory concerned. Such articles shall only be admitted into territory within the special zones at such ports or other places as the authorities of the State, colony, protectorate or mandated territory concerned shall designate for this purpose.

Article 14

The High Contracting Parties undertake not to issue the export licences nor to approve the export declarations required under Article 13 unless they are satisfied that the conditions stated in paragraph (a) or (b) hereof are fulfilled and also, as regards articles covered by Categories I and II, the conditions laid down in Articles 2, 3, 4, and 5.

(a) That, if any export is being made to territory under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party, articles covered by Categories I, II and IV to which the licence or export declaration applies are required for lawful purposes and that the authorities of the territory to which they are consigned are willing to admit them, and that, in the case of articles covered by Category V, a copy of the licence or export declaration has been sent to the authorities aforesaid before the export takes place.

(b) That, if an export is being made to territory which is not under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party, articles covered by Categories I, II, IV and V are required for lawful purposes.

Article 15.

The High Contracting Parties undertake to publish, in addition to the returns provided for in Article 8 and Article 9 in respect of articles covered by Categories I, II and IV, a return of articles covered by Category V exported to territory situated within the special zones. This return shall be published within the same time-limits and at the same intervals as those provided in the first paragraph of Article 6, and shall contain, as far as possible, the same particulars.

Article 16.

The trade in articles covered by Categories I, II, IV and V within the special zones shall be placed under the supervision of officials of the authorities of the State, colony, protectorate or mandated territory concerned.

The admission and transit of and trade in such articles within the said zones shall also be subject to the provisions of Section I, PP 1 and 2, of Annex II of the present Convention, to which provisions the High Contracting Parties undertake to conform.

An authorisation must be given by a duly authorised representative of the authorities aforesaid in each case before any such articles may be reconsigned to any place outside the territory to which they have been admitted.

Article 17.

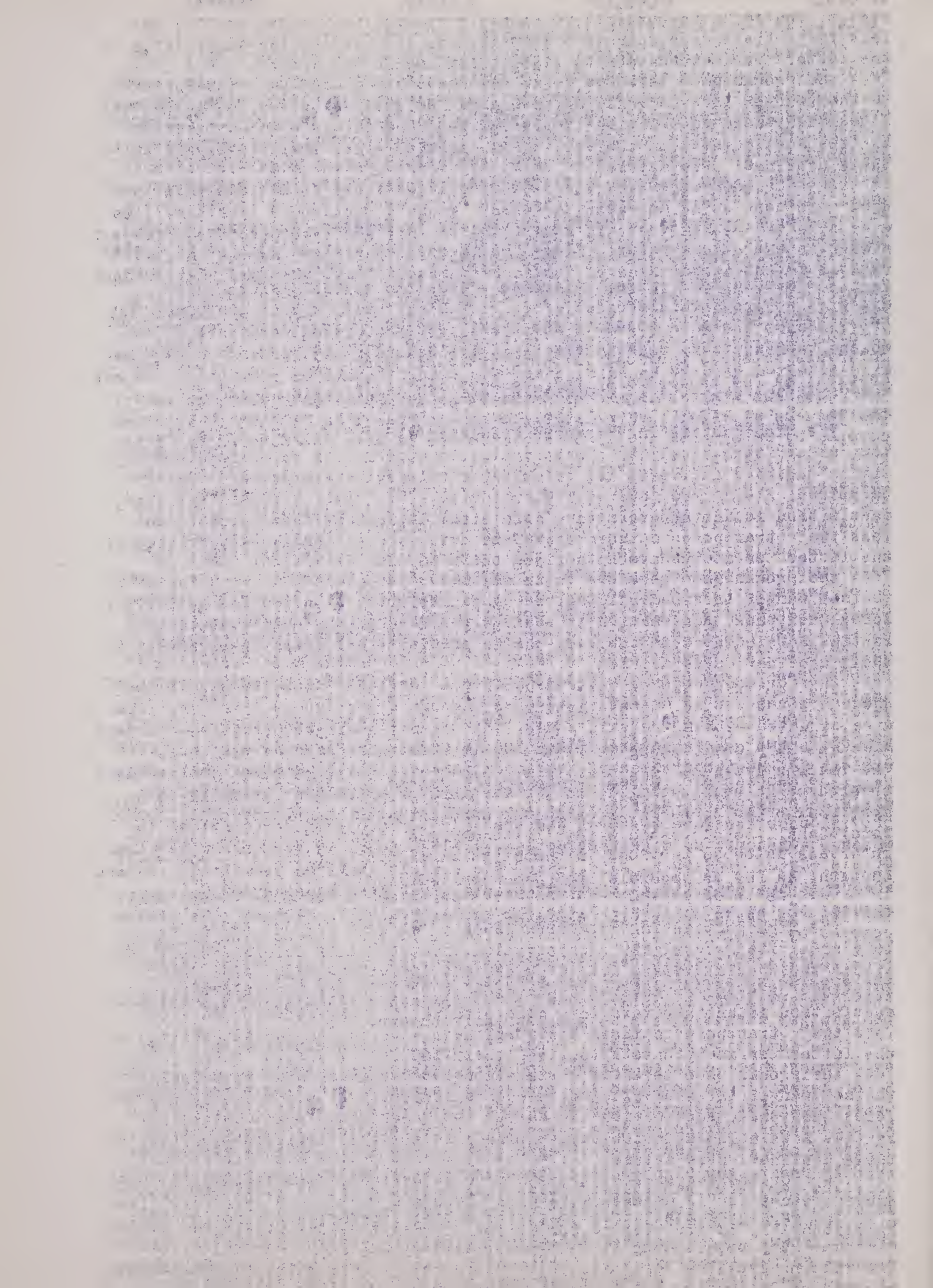
The manufacture, assembly and repair within the special zones of articles covered by Categories I, II, IV and V shall be subject to the provisions of Section I, PP 3, of Annex II of the present Convention, to which provisions the High Contracting Parties undertake to conform.

Article 18.

The High Contracting Parties undertake, each in respect of any territory under its sovereignty, jurisdiction, protection or tutelage situated within the special zones, not to permit the transit by land across such territory of articles covered by Categories I, II, IV and V when their destination is another territory also situated in the special zones, unless their transport to their destination is assured and the authorities of the latter territory have authorised their import.

The prohibition referred to in the above paragraph shall not apply to the transit of such articles through a territory situated in the special zones when their destination is territory of one of the High Contracting Parties not included in the said zones, provided that their transport to their destination is assured.

If, for the purposes of transport to a territory situated within the special zones, it is necessary to pass through a contiguous territory likewise situated within the said zones, the transit shall be permitted, subject always to the conditions laid down in the first paragraph hereof, at the request of the authorities of the importing territory, provided that such



shall not be permitted that the articles in respect of which the request is made shall not be any time or sold, or otherwise transferred, contrary to the provisions of the present Convention. Nevertheless if the attitude of the Government of the importing State constitutes a threat to the maintenance of public order, permission for transit shall be refused to such goods until the authorities of all such contiguous territories until this threat has ceased to exist.

Article 19.

Subject to any contrary provisions in existing special agreements or in any future agreements, provided that in all cases such agreements otherwise comply with the provisions of the present Convention, the High Contracting Parties agree that in the special zones the authorities of the States, colonies, protectorates or mandated territory concerned shall carry out within their territorial waters the supervision and police measures necessary for the application of the present Convention.

Article 20.

The High Contracting Parties agree that within the special zones no ship, vessel, or boat, hereinafter defined, of less than 500 tons (net tonnage) shall be allowed to ship, discharge or tranship articles covered by Categories I, II, III and IV.

A vessel shall be deemed to be a native vessel if she is either owned and controlled or commanded by a native of any country bordering on the Indian Ocean west of the meridian of 95° East of Greenwich and north of the parallel of 12° North latitude, the Red Sea, the Persian Gulf, or the Gulf of Oman, or if at least one half of the crew are natives of such countries.

The provisions of paragraph 1 hereof do not apply to lighters or barges which are engaged exclusively in the coasting trade between different ports of the same State, colony, protectorate or mandated territory, where necessary and authorized. The conditions under which articles covered by Categories I, II, III and IV may be carried by such vessels are laid down in Article 21 of Annex II of the present Convention, to which the High Contracting Parties undertake to conform.

The provisions of this Article and of Section II, PP 1, of Annex II shall apply.

For the sale, acquisition or implements carried on behalf of a Government, or for any other purpose, or accompanied by a duly authorized official of such Government, or

For the sale and acquisition to the possession of persons provided such arms are for the use of the police and are accurately described in such licence.

Article 21.

The High Contracting Parties agree that, with the object of preventing the illicit transference within the special zones of articles covered by Categories I, II, III and IV, all native vessels within the meaning of

Article 20 must carry a manifest of their cargo or a similar document specifying the quantities and nature of the goods on board, their origin and destination. This manifest shall remain covered by the secret, to which it is entitled by the law of the State to which the vessel belongs. The manifest may be examined during proceedings for the verification of the flag, subject to the international party concerned thereto.

The provisions of this Article shall not apply to:

- (a) Vessels so actively engaged in the coasting trade between different ports of the same State, colony, protectorate or mandated territory; or
- (b) Vessels engaged in carrying arms, ammunition and implements on behalf of a Government under the conditions defined in Article 20 but not proceeding to or from any point within the said waters; or
- (c) Vessels only partially decked, having a maximum crew of 200 men, exclusively employed in fishing within territorial waters.

Article 22.

The High Contracting Parties agree that no authorisation to fly the flag of any of such High Contracting Parties shall be granted to native vessels of less than 200 tons (net tonnage) as defined in Article 20, except in accordance with the conditions prescribed in Section II, PP 1, of Annex II of the present Convention. Such authorisation, which shall be irrevocable, shall be renewed every year and shall contain the particulars necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number and signal letters if any. It shall bear the date on which it was granted and the status of the vessel to be granted it.

Article 23.

The High Contracting Parties agree to communicate to any other High Contracting Party who so requests the forms of the documents to be issued in accordance with Articles 20, 21, 22 and 23 and Section II, PP 1, of Annex II of the present Convention.

The High Contracting Parties further agree to take all necessary measures to ensure that the following documents shall be supplied as soon as possible to any other High Contracting Party who has requested the same:

- (a) Renewed copies of all authorisations to fly the flag granted under the provisions of Article 22;
- (b) Notices of the withdrawal of such authorisations;
- (c) Copies of authorisations issued under Section II, PP 1, of Annex II.

Article 24.

The High Contracting Parties agree to apply in the maritime zone the requirements laid down in Annex II, Section II, PP 5, of the present Convention.

Article 26

The High Contracting Parties agree that any illicit conveyance or attempted conveyance legally established against the captain or owner of a vessel authorized to fly the flag of one of the High Contracting Parties, or holding the licence provided for in Section II, PP I, of Annex II, of the present Convention, shall entail the immediate withdrawal of the said authorization or licence.

Article 25

The High Contracting Parties who have under their sovereignty, jurisdiction, protection or tutelage territory situated within the special zones, undertake, as far as each is concerned, to take the necessary measures to ensure the application of the present Convention and, in particular, the prosecution and punishment of offences against the provisions thereof, and to appoint the territorial and consular officers or competent special representatives for the purpose.

They will communicate these measures to each High Contracting Parties to which they have expressed the desire to be informed thereof.

Article 27

The High Contracting Parties agree that the provisions of Articles 24 and 25, inclusive and of Annex II of the present Convention establishing a certain regime of supervision in the special zones shall not be interpreted, as regards such High Contracting Parties as have no territory under their sovereignty, jurisdiction, protection or tutelage within or immediately adjacent to the said special zones, either as constituting an invitation to apply the regime defined in the above-mentioned provisions or as limiting their responsibility with respect to the application of this regime.

However, the said High Contracting Parties shall conform to the provisions of Articles 24, 25 and 26, which relate to the conditions under which motor vessels (more than 100 tons (net tonnage) may be authorized to fly the flag of such High Contracting Parties.

CHAPTER IV

Special Provisions

Article 28

Any State, desirous of rendering as effective as possible the supervision of the trade in arms and ammunition and in implements of war, which is the subject of the present Convention, hereby undertakes, in the free exercise of her sovereign rights, to put into force, as far as is possible, all necessary regulations which may be necessary to fulfill the obligations of Article 14, as is the subject of the said Convention, relating to the trade in arms and ammunition and in implements of war.

The High Contracting Parties take note of the above undertaking, and, in full sympathy with the desire of Abyssinia to render as effective as possible the supervision of the trade in arms and ammunition and in implements of war, hereby undertake to conform to the provisions of the above-mentioned Articles so far as concerns Abyssinian territory, and to suspend the regulations put into force, in accordance with the said undertaking, by Abyssinia as a sovereign State.

If a State, at present included in the special zones, should at the moment of its accession to the present Convention assume with respect to its own territory the same undertakings as those set forth in the first paragraph of this Article, and also, when such State possesses a seacoast, those contained in Articles 19 to 26 inclusive in so far as the same are applicable, the High Contracting Parties hereby declare that they will consider such State as excluded from the said zones from the date that the accession becomes effective as specified in Article 41 and that they will accept as regards such State the obligations set forth in the second paragraph of the present Article, and also, when the State excluded possesses a seacoast, the obligations of Articles 19 to 27 inclusive in so far as they are applicable.

Article 29.

The High Contracting Parties agree to accept reservations which may be made by Lithuania, Finland, Latvia, Poland and Roumania at the moment of their signature of the present Convention and which shall suspend in respect of those States until the accession of Russia to the present Convention, the application of Articles 6 and 9, as regards both export to and import into those countries by the High Contracting Parties. These reservations shall not be interpreted as preventing the publication of statistics in accordance with the laws and regulations in effect within the territory of any High Contracting Party.

Article 30.

The High Contracting Parties who possess extra-territorial jurisdiction in the territory of another State party to the present Convention undertake in cases where the rules of this Convention cannot be enforced by the local courts as regards their nationals in such territory to prosecute and punish by their nationals contrary to the provisions of the present Convention.

CHAPTER V.

General Provisions.

Article 31.

The provisions of the present Convention are completed by those of Annexes I and II, which have the same value and shall enter into force at the same time as the Convention itself.

Article 32.

The High Contracting Parties agree that the provisions of the present Convention do not apply:

- (a) To arms or ammunition or to implements of war forwarded from territory under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party for the use of the armed forces of such High Contracting Party, wherever situated, nor
- (b) To arms or ammunition carried by individual members of such forces or by other persons in the service of a High Contracting Party and required by them by reason of their calling, nor
- (c) To rifles, muskets, carbines and the necessary ammunition therefor, carried by members of rifle clubs for the sole purpose of individual use in international competitions in marksmanship.

Article 33.

In time of war, and without prejudice to the rules of neutrality, the provisions of Chapter II shall be suspended from operation until the restoration of peace so far as concerns any consignment of arms or ammunition or of implements of war to or on behalf of a belligerent.

Article 34.

All the provisions of general international Conventions anterior to the date of the present Convention, such as the Convention for the Control of the Trade in Arms and Ammunition and the Protocol signed at St. Germain-en-Laye on September 10th, 1919 shall be considered as abrogated in so far as they relate to the matters dealt with in the present Convention and are binding between the Powers which are Parties to the present Convention.

The present Convention shall not be deemed to affect any rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, St. Germain and Trianon, or of the Treaty Limiting Naval Armaments signed at Washington on February 6th, 1922 or of any other treaty, convention, agreement or engagement concerning prohibition of import, export or transit of arms or ammunition or of implements of war; nor, without prejudice to the provisions of the present Convention, itself, shall it affect any other treaty, convention, agreement or engagement other than those referred to in paragraph 1 of the present Article having as its object the supervision of import, export or transit of arms or ammunition or of implements of war.

Article 35.

The High Contracting Parties agree that disputes arising between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of

In case a denunciation has the effect of reducing the number of States parties to the Convention below fourteen, any of the remaining High Contracting Parties may also, within a period of one year from the date of such denunciation, denounce the Convention without waiting for the expiration of the period of four years mentioned above and may require that its denunciation shall take effect at the same date as the first-mentioned denunciation.

Article 39.

The High Contracting Parties agree that, at the conclusion of a period of three years from the coming into force of the present Convention under the terms of Article 41, this Convention shall be subject to revision upon the request of one-third of the said High Contracting Parties addressed to the Government of the French Republic.

Article 40.

The present Convention, of which the French and English texts are both authentic, is subject to ratification. It shall bear today's date.

Each Power shall address its ratification to the Government of the French Republic, which will at once notify the deposit of ratification to each of the other signatory Powers.

The instruments of ratification will remain deposited in the archives of the Government of the French Republic.

Article 41.

A first proces-verbal of the deposit of ratifications will be drawn up by the Government of the French Republic as soon as the present Convention shall have been ratified by fourteen Powers.

The Convention shall come into force four months after the date of the notification of this proces-verbal by the Government of the French Republic to all signatory Powers.

Subsequently, the Convention will come into force in respect of each High Contracting Party four months after the date on which its ratification or accession shall have been notified by the Government of the French Republic to all signatory or acceding States.

In witness whereof, the above mentioned Plenipotentiaries have signed the present Convention.

Done at Geneva, in a single copy, this seventeenth day of June, One Thousand Nine Hundred and Twenty-Five.

Annex II.

Supervision Within the Special Zones.

Section 1.

Supervision on Land.

1.

All articles covered by Categories I, II, IV and V admitted into the territory of a State, colony, protectorate or mandated territory situated in the special zones, except such articles imported by individuals for their personal use under an authorisation issued by the authorities of the territory concerned, shall be deposited by the importer at his own expense and risk in a public warehouse maintained under the exclusive custody and permanent supervision of the authorities aforesaid or their officials, of whom at least one must be a member of their armed forces, and who shall keep an official record of such deposit.

Every withdrawal from a public warehouse must be authorised beforehand by such authorities. No such authorisation shall be given except for the purposes of transfer to another public warehouse or to a private warehouse duly approved by the said authorities or for delivery to individuals, who have proved to the satisfaction of the said authorities that the articles are necessary to them for their personal use.

Articles required for the equipment of the national forces or for the defence of the territory are exempted from all formalities in connection with deposit in or withdrawal from a public warehouse.

2.

No private warehouse for articles covered by Categories I, II, IV and V shall be allowed within the special zones unless authorised by the authorities of the State, colony, protectorate or mandated territory. Such warehouse must consist of enclosed premises, reserved for that purpose and having only one entry, which must be fitted with two locks, one of which can be opened only by officials of the authorities.

The person in charge of the warehouse shall be responsible for all such articles deposited therein and must account for them on demand by the authorities.

Such articles must not be withdrawn from the warehouse nor be transported or transferred without a special authorisation. The particulars entered on such authorisations shall be noted in a special register numbered and initialled.

Every arm imported under the provisions of 1 by an individual for his personal use or transferred under the provisions of the same from a public warehouse to a private warehouse or a private individual must be registered. A mark shall be stamped thereon if it does not already bear another mark or a number sufficient for identification. The mark or number shall be noted in the licence to carry arms issued by the authorities.

the application for a licence is addressed, or have given to such authorities sufficient guarantees for the payment of any fines to which they may become liable.

- (c) The owners and the captain of the vessel must have furnished proof that they enjoy a good reputation and, in particular, that they have never been convicted of illicit conveyance of arms or ammunition or implements of war.

4.

All native vessels before they are authorised to fly the flag of a High Contracting Party shall have complied with the following regulations for the purpose of their identification at sea:

- (a) The initial letters of the port of registration of the native vessel, followed by the vessel's registration number in the serial port numbers, must be incised and painted in white on black ground on both quarters of each vessel in such a position as to be easily distinguishable from a distance.
- (b) The net tonnage of the native vessel shall also, if practicable, be incised and painted inside the hull in a conspicuous position.

5.

The regulations referred to in Article 24 of the present Convention are as follows:

1. When a warship belonging to one of the High Contracting Parties encounters within the maritime zone but outside territorial waters a presumed native vessel of under 500 tons burden (net tonnage),
 - (a) Flying the flag of one of the High Contracting Parties, or
 - (b) Flying no flag,and the Commanding Officer of the warship has good reason to believe that the said vessel is flying the flag of any High Contracting Party without being entitled to do so, or is illicitly conveying articles covered by Categories I, II, IV and V, he may proceed to stop the vessel in order to verify the nationality of the vessel by examining the document authorising the flying of the flag, but no other document.
2. Any vessel which presents the appearance of native build and rig may be presumed to be a native vessel.
3. For the purpose of verifying the nationality of the suspected vessel, a boat commanded by a commissioned officer in uniform may be sent to visit the vessel after she has been hailed so as to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation. Before leaving the vessel, the officer shall draw up a proces-verbal in the form and language in use in his own country. This proces-verbal shall state the facts of the case and shall be dated and signed by the officer.

Should there be on board the warship no commissioned officer other than the Commanding Officer, the above prescribed operations may be carried out by a warrant, petty or non-commissioned officer at the discretion of the Commanding Officer.

The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the proces-verbal and shall have the right to add to it any explanations which they may consider expedient.

4. In the cases referred to in paragraph I (a) hereof, unless the right to fly the flag can be established, the vessel may be conducted to the nearest port in the maritime zone where there is a competent authority of the Power whose flag has been flown and shall be handed over to such authority, but if such a port should be at such a distance from the point of detention that the warship would have to leave her station or patrol to escort the detained vessel thereto, the vessel may be taken to the nearest port where there is a competent authority of one of the High Contracting Parties of nationality other than that of the warship and handed over to such authority, and steps shall at once be taken to notify this fact to the competent authority representing the power concerned.

No proceedings shall be taken against the vessel or her crew until the arrival of the representative of the Power whose flag the vessel was flying or without authority from such representative.

Instead of conducting the suspected vessel to a port as laid down above, the Commanding Officer of the detaining warship may hand her over to a warship of the nation whose flag she has flown if the latter consents to take charge of her.

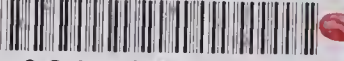
5. The procedure laid down in paragraph 4 may also be followed if, after the verification of the flag and in spite of the voluntary production of the manifest, the Commanding Officer of the warship continues to suspect the vessel of engaging in the illicit conveyance of articles covered by Categories I, II, IV and V.
6. In the cases referred to in paragraph 1 (b) hereof, if it is ascertained, as a result of the visit made on board the vessel that, whereas it flew no flag, it was also not entitled to fly the flag of a recognised State, the vessel may, unless the innocent nature of her cargo can be duly established to the satisfaction of the Commanding Officer of the warship, be conducted to the nearest point in the maritime zone where there is a competent authority of the Power to which the detaining warship belongs, and shall be handed over to such authority.
7. The authority before whom the suspected vessel has been brought shall institute a full enquiry in accordance with the laws and regulations of his country and in conformity with the procedure laid down in paragraph 8 below.

This enquiry shall be carried out in the presence of an officer of the detaining warship.

If, however, the presence of such officer is impracticable owing to the duties upon which the warship is engaged, an affidavit sworn by the Commanding Officer may in special cases be accepted by the authority holding the enquiry in place of the oral evidence of an officer of the warship.

- (a) If the vessel is captured by a belligerent, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a neutral, it shall be treated as a neutral vessel and the flag shall be hoisted. If the vessel is captured by a third party, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a belligerent, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a neutral, it shall be treated as a neutral vessel and the flag shall be hoisted. If the vessel is captured by a third party, it shall be treated as a prize and the flag shall be hoisted.
- (b) If the vessel is captured by a belligerent, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a neutral, it shall be treated as a neutral vessel and the flag shall be hoisted. If the vessel is captured by a third party, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a belligerent, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a neutral, it shall be treated as a neutral vessel and the flag shall be hoisted. If the vessel is captured by a third party, it shall be treated as a prize and the flag shall be hoisted.
- (c) If the vessel is captured by a belligerent, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a neutral, it shall be treated as a neutral vessel and the flag shall be hoisted. If the vessel is captured by a third party, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a belligerent, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a neutral, it shall be treated as a neutral vessel and the flag shall be hoisted. If the vessel is captured by a third party, it shall be treated as a prize and the flag shall be hoisted.
- (d) If the vessel is captured by a belligerent, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a neutral, it shall be treated as a neutral vessel and the flag shall be hoisted. If the vessel is captured by a third party, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a belligerent, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a neutral, it shall be treated as a neutral vessel and the flag shall be hoisted. If the vessel is captured by a third party, it shall be treated as a prize and the flag shall be hoisted.
9. If the vessel is captured by a belligerent, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a neutral, it shall be treated as a neutral vessel and the flag shall be hoisted. If the vessel is captured by a third party, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a belligerent, it shall be treated as a prize and the flag shall be hoisted. If the vessel is captured by a neutral, it shall be treated as a neutral vessel and the flag shall be hoisted. If the vessel is captured by a third party, it shall be treated as a prize and the flag shall be hoisted.
10. If the detaining officer, or the authorities to whom he is subject, contest the decision or the amount of the compensation assessed, the dispute shall be submitted to a Court of Arbitration consisting of one arbitrator appointed by the Government whose flag the vessel was flying, one appointed by the Government of the detaining officer,

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